

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 10-04391 JF (PR)

## ORDER OF TRANSFER

PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the 2009 Board of Prison Terms' decision finding him unsuitable for parole. Petitioner is currently confined at the California Men's Colony - East in San Luis Obispo, California. The prison is located within the venue of the Western Division of the Central District of California. 28 U.S.C. § 84(c)(2).

Venue in a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir.

1 1989). Accordingly, this case is TRANSFERRED to the United States District  
2 Court for the Central District of California, the location of Petitioner's confinement.  
3 See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). In light of this transfer, the  
4 Court will defer Petitioner's motion for leave to proceed in forma pauperis, (Docket  
5 No. 4), and motion for appointment of counsel, (Docket No. 6), to the Central  
6 District.

7 The Clerk shall terminate any pending motions and transfer the entire file to  
8 the Western Division of the Central District of California.

9 IT IS SO ORDERED.

10 DATED: 1/27/11

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12 JEREMY FOGEL  
13 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WAYNE D WINCHESTER,  
Petitioner,

Case Number: CV10-04391 JF

**CERTIFICATE OF SERVICE**

v.

STATE OF CALIFORNIA,  
Respondent.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/17/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Wayne D. Winchester D-99680  
California Men's Colony  
P.O. Box 8101  
Cell #5388C  
San Luis Obispo, CA 93409

Dated: 2/17/11

Richard W. Wieking, Clerk